United Nations CAT/C/ARM/CO/4/Add.1

Convention against To[illegible] and Other Cruel, Inhuman or Degrading Treatment or Punishment

Distr.: General
24 January 2018

English only

Committee against Torture

Concluding observations on the fourth periodic report of Armenia

Addendum

Information received from Armenia on follow-up to the concluding observations*

[Date received: 22 December 2017]

* The present document is being issued without formal editing.

GE.18-01089(E)
1801089

Please recycle

Follow-up information in response to the recommendations of the Committee against Torture contained in paragraphs 8, 21, 34 of the concluding observations of the fourth periodic report of Armenia[1]

Introduction

1. Before presenting the concrete information relevant to paragraphs 8, 21, 34 of the concluding observations on the fourth periodic report of Armenia, the Armenian Government emphasise that in the framework of democratic reforms of the recent years, the improvement of human rights protection mechanisms has been identified among the key priorities for the Armenian authorities. In the context of development of domestic legal system and protection mechanisms of human rights and fundamental freedoms, particular importance is articulated to the harmonization of the national system with the international standards. Within this framework, strengthening the system of fight against torture and ill-treatment remains continuing priority. In this context, two main papers, reflecting the policy approaches of the Armenian authorities in the fields of human rights protection and legal and judicial reforms are noteworthy.

2. On 4 May 2017 new Action Plan deriving from the National Strategy on Human Rights Protection for the period 2017–2019 (hereinafter, the new NHRAP) was approved by the Government of Armenia.[2] According to the Programme of the Government of Armenia for 2017–2022,[3] the Government plans to consistently implement the new NHRAP in close co-operation with the CSO representatives, as well as to develop, by the end of 2019, NHRAP for 2020–2022.

3. In order to streamline the monitoring and evaluation process of this policy paper, a Coordinating Council was established with the aim to coordinate, promote and monitor the implementation of the actions envisaged.[4] By the end of each semester, the Coordinating Council should organize a public discussion on the implementation of the activities which is open for the representatives of all CSOs and NGOs.[5]

4. Turning to the development process of this strategic paper, it has been drawn up taking into account a prior baseline study of human rights situation conducted by the Government by referring to the relevant reports of the Human Rights Defender and CSOs, as well as to the internal evaluation of the actions implemented in the scope of the previous NHRAP [6] through close collaboration with relevant State Bodies and Agencies, international, non-governmental organizations and the civil society. More than 130 proposals have been submitted by the CSOs, 1/3 of which have been included in the draft.

5. The actions envisaged by this strategic paper, inter alia, reflect on the relevant case-law of the European Court of Human Rights (hereinafter, the ECHR), recommendations made in the scope of the UN Universal Periodic Review, the reports of the Human Rights Treaty Bodies, the Commissioner for Human Rights and the Council of Europe monitoring mechanisms, as well as the Human Rights Sector Note, 20 deliverables for 2020 and UN Sustainable Development Goals 2030.

6. Separate measures stipulated by the new NHRAP are targeted specifically at strengthening the fight against any form of ill-treatment. More specifically, it provides for

[1] Adopted by the Committee at its fifty-ninth session (from 7 November to 7 December 2016). Reference document: CAT/C/ARM/CO/4.

[2] Approved by Government Decree No. 483-N (N 483-Ն) of 4 May 2017.

[3] The Approved by Government Decree No. 646-A (N 646 - Ա) of 19 June 2017.

[4] It is composed of the Minister of Justice (Chairman), the Deputy Minister of Justice (Deputy Chairman), the representatives of Human Rights Defender Office and relevant deputy ministries.

[5] According to the procedure, at least 15 days prior to a public hearing, the Ministry of Justice shall make a public announcement on its official website regarding the organization of the public hearing by specifying the day, venue, time and agenda.

[6] The Action Plan deriving from the National Strategy on Human Rights Protection (2014–2016) approved by Government Decree No. 303-N (N 303-Ն) of 27 February 2014.

the necessity to develop sample forms for documenting torture and ill-treatment in compliance with the standards of Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul protocol), to conduct a research to ensure consistent application of the right to redress of alleged victims of torture, to organise trainings for law-enforcement officers and advocates on prohibition of torture and ill-treatment, as well as to conduct a study with a view of revealing potential deficiencies in the referral mechanisms of the allegations of torture and ill-treatment.

7. The second important document is the draft *2018–2023 Strategy on Judicial and Legal Reforms in the Republic of Armenia and the Action Plan deriving thereof* which has been developed taking into consideration the necessity for strategic planning, monitoring and accountability, as well as the need for periodic assessment of the progress made in this field. The strategy is the continuation of the previous ones and has been drafted based on the results achieved through their implementation at the same time taking into account the contemporary developments of the law, as well as the problems existing in and the prospects of development of the judicial and legal systems.

8. As a comprehensive programme ensuring continuous development of the sector, the *2018–2023 Strategy for Judicial and Legal Reforms*, provides for new solutions or new methods of solution for the issues still existing in the sector. In general, it pursues the following targets: ensuring full independence of the judiciary, elimination of corrupt practices, effective application of the institute of disciplinary liability of judges, issues of heavy workload of courts, balancing of the number of judges, the number of their staff and the number of cases examined, full application of alternative means of dispute resolution, observing reasonable time limits of examination of cases, expanding accessibility of legal assistance and enhancement of the quality thereof, proportionate and fair application of detention as a measure of restraint, issues of juvenile justice, enhancing the effectiveness of the system of criminal punishments, and of restorative justice, issues of full introduction of electronic justice, raising the quality of services provided to citizens, raising the public confidence in the judiciary and other entities in the field of justice, as well as other issues existing in the system.

9. Tuning to the specific objectives pursued, the draft Strategy envisages improving legal grounds on fight against impunity for the acts of torture, in particular, by developing legislative framework for audio-visual recording of interrogations, as well as by repealing the statute of limitations and prohibiting amnesty and any other similar measures leading to the impunity for the acts of torture.

10. In the beginning of December 2017, the draft strategy, as a complete document, was published on the www.e-draft.am, a unique platform giving a possibility to the public to provide their feed-back on the draft legal acts, thus ensuring their participation to the legal drafting process.

11. It is worth mentioning that the policy papers discussed hereinabove are living documents subject to systematic revisions and amendments based on the results achieved and having regard to continuing and newly emerging priorities.

A. Statute of limitations, amnesty and pardon

Recalling its previous concluding observations (see CAT/C/ARM/CO/3, para. 10), the Committee urges the State party to repeal the statute of limitations for the crime of torture or other acts amounting thereto under the Criminal Code. The State party should also ensure that pardon, amnesty and any other similar measures leading to impunity for acts of torture are prohibited both in law and in practice.[7]

12. Taking into consideration the necessity to further strengthen the mechanisms of fight against any form of ill-treatment, bearing in mind the international obligations undertaken by Armenia and the concluding observations of the Committee against Torture (hereinafter,

[7] Reference document: CAT/C/ARM/CO/4, § 8.

Criminal Code, on the account of the facts that in the course of the special measures undertaken on 23 June 2015 and during the subsequent days for the purposes of dispersing the assembly and sit-in held on Baghramyan Avenue, the representatives of the law-enforcement agencies, abusing their powers, inflicted violence towards and caused bodily injuries to the participants and reporting journalists, damaged their equipment, thus hindering their professional activities on Baghramyan Avenue, in Liberty Square, the surrounding areas thereof and in different Police divisions by inflicting essential damage to the legal interests and rights of citizens and organizations, to the public or state interests.

17. During the preliminary investigation victim status was given to 59 persons, out of whom 22 were journalists. Furthermore, forensic medical, complex forensic merchandising and traceological expert examinations have been ordered, dozens of video materials have been examined, inquiries have been conducted, the damaged equipment was seized, respective documents, copies of the materials regarding the disciplinary proceedings instituted by the Police have been included in the case-file, the Police officers have been interrogated and confrontations have been held.

18. Based on the evidence gathered in the course of the preliminary investigation, 3 Police officers were charged under Article 164 § 2 of the Criminal Code for hindering professional activities of journalists by abusing official position. Against 1 Police officer charges have been brought under Articles 164 § 1 and 185 § 1 of the Criminal Code for hindering professional activities of a journalist and for wilful destruction or spoilage of property. It is to be noted that temporary suspension from the office was applied towards them.

19. On 15 August 2016 a criminal case regarding these 4 Police officers was disjoined and submitted to the court with an indictment. On 20 February 2017 the Court of General Jurisdiction of Kentron and Nork-Marash Administrative Districts found 3 out of 4 Police officers guilty under Article 164 § 2 of the Criminal Code. 1 Police officer was found guilty under Articles 164 § 1 and 185 § 1 of the Criminal Code.

20. The preliminary investigation into the criminal case is ongoing.

21. *Disciplinary proceedings*: In relation to the events discussed hereinabove, disciplinary proceedings have been instituted by the Police on 23 June 2015 to verify the lawfulness of the Police officers' actions. As a result, it has been established that certain Police officers carried out their duties improperly and violated the ethical norms of the Police. For these reasons, they have been subjected to disciplinary sanctions (2 of them have been subjected to a reprimand, 9 have been subjected to a severe reprimand and 1 Police officer has been demoted).

Investigation and disciplinary proceedings into events of July 2016

22. *Investigation into events of 17–27 July 2016*: The SIS continues investigation into the criminal case instituted under Article 308 § 1,[14] Article 309 § 2, Article 164 § 2 and Article 3323 § 1[15] of the Criminal Code for hindering professional activities of journalists, for abuse of official authorities, exceeding of official authorities by the Police officers accompanied by violence, as well as for hindering the professional activities of a lawyer from 17–27 July 2016.

23. As of 30 October 2017 in the framework of the mentioned criminal case victim status was given to 95 persons, out of whom 6 are journalists, 3 — lawyers, 86 — participants of the assembly and other persons. Furthermore, the victim status, inter alia, was given to each person, who complained that Police officers apprehended them and brought to the Police divisions without any grounds, or that they have been kept there more than 3 hours, or that they have been injured as a result of use of special means.

24. In the course of investigation all 14 motions submitted on recognition of a victim status have been granted. All 5 motions submitted on ordering additional or repeat expert

[14] Article 308 Abuse of official authority.

[15] Article 332[3] Hindering the professional activities of a lawyer or a notary, or threatening them in relation to their activities.

examination have been granted as well — 1 merchandising and 4 forensic medical expert examinations have been ordered. All the persons who reported on receiving bodily injuries have been sent for forensic medical expert examination.

25. According to the expert reports received as of 30 October 2017, the injuries inflicted did not amount to the light damage to health, except for 5 cases. In particular, medium-gravity damage was inflicted to health of 3 persons, grave damage — to health of 2 persons. Light damage was inflicted to health of 10 persons as a result of use of special means by the Police on M. Khorenatsi Street on 20 July 2016, as well as damage was inflicted to the equipment and personal goods of some journalists.

26. In the course of the preliminary investigation, 60 Police officers have been interrogated, relevant video materials have been attached to the case-file, confrontations have been organised as well as other investigative and operative-search measures have been conducted.

27. In order to verify the lawfulness of the Police officers' actions, the grounds relied upon by them for apprehending the persons, as well as the special means used and other circumstances, investigative and operative-search activities are being carried out. The preliminary investigation into the discussed criminal case is ongoing.

28. *Investigation into events of 29–30 July 2016*: The SIS also investigates into the criminal case instituted under Article 164 §§ 1 and 3, Article 308 § 1 and Article 309 § 2 of the Criminal Code on the account of hindering professional activities of journalists, for abuse of official authorities, for exceeding of official authorities by the Police officers accompanied by violence in Sari Tagh from 29–30 July 2016.

29. In the course of the preliminary investigation it has been found that as a result of the mentioned actions allegedly 106 civilians and 24 journalists have been affected. Out of 106 civilians 97 civilians have been interrogated (victim status was given to 60 persons and 37 persons have been interrogated as witnesses), the other 9 left Armenia or gave false, incomplete data and it was impossible to identify them. 24 journalists from different mass media organisations have been interrogated. Victim status was given to 21 of them, 3 have been interrogated as witnesses. 60 Police officers have been interrogated as well.

30. It is to be noted that all the persons have been given victim status upon the initiative of the inquiry body. During the preliminary investigation no request on giving a procedural status has been denied, i.e. all the persons who allegedly suffered have been given a victim status, all the motions submitted by them — including those on having a representative, taking additional procedural actions — have been granted. All the medical documents of the persons who have applied to the medical institutions have been seized and forensic medical expert examinations have been ordered. All the victims have been informed about the decisions of ordering forensic medical expert examinations. In each and every case when a decision is made and an expert report is received, each victim is notified in writing by proposing to come and familiarize with the decisions and reports. In this context, it is to be mentioned that in the course of the preliminary investigation no motion on additional or repeat expert examination, as well as no complaint regarding the actions and decisions of the inquiry body has been submitted.

31. In order to verify the lawfulness of the Police officers' actions, the grounds relied upon by them for apprehending the persons, as well as the special means used and other circumstances, investigative and operative-search activities are being undertaken. The preliminary investigation into the discussed criminal case is ongoing.

32. *Disciplinary proceedings*: Based on the instruction of the Head of the Police, two sets (the first set was initiated regarding the events taken place from 17–28 July 2016, the second set was instituted in relation to the events of 29–30 July 2016) of disciplinary proceedings have been initiated in relation to the events discussed hereinabove in order to verify the lawfulness of the Police officers' actions. On 3 August 2016 the materials of the said disciplinary proceedings were joined in a single set.

33. On the grounds of the results received in the course of the internal disciplinary proceedings, by the order of the Head of the Police 13 policemen have been subjected to disciplinary liability (6 of them have been subjected to a reprimand, 7 — to a severe

reprimand). The disciplinary liability was imposed for improper performance of duties, in particular, for improper deployment of the forces to maintain public order and security, for the failure to undertake appropriate measures deriving from the situation to restrict the protesters' access to the security zone in due time, as well as for the failure to take sufficient measures to prevent the use of force against journalists and infliction of damage to their equipment by certain participants to the rally on 29 July 2016 in Sari Tagh.

Education and professional trainings

34. The Armenian authorities acknowledge that the systematic trainings, aimed at strengthening both the theoretical knowledge and developing the practical skills of law-enforcement officers, are considered as one of the key elements for reaching tangible results in the field. Therefore, continuous steps are being undertaken towards this direction. In particular, the strategic papers such as the previous and new NHRAP have provided for the necessity to periodically organize trainings for law-enforcement officers and community officials in relation to the *Law on Freedom of Assemblies* and the application of provisions of the relevant regulations in practice. Besides the mentioned general policy papers, the particular measures undertaken in the course of last 6 years in terms of strengthening the capacity of the Police are worth mentioning.

35. In 2011, the Head of the Police of the Republic of Armenia approved two sets of guidelines: Guidelines for Conducting Negotiations to Maintain Public Order and Security[16] and Guidelines for the Activities of Officers of the Police Units Involved in Public Order Management and for the Use of Physical Force, Special Means and Firearms by the Officers during Mass Disorders.[17]

36. Furthermore, to ensure the professionalism of the Police actions during mass disorders, another important document *Order for Preventing and Obstructing Mass Disorders* was approved by the Head of the Police in 2013.

37. In 2012, a practical handbook *Guidelines for Actions of the Police during Assemblies* has been developed by the advice and direct participation of the OSCE experts. This practical handbook contains explanations on actions of the Police stipulated by the Law on the Police of the Republic of Armenia. The explanations are totally in line with the OSCE/ODIHR-Venice Commission Guidelines on Freedom of Peaceful Assembly.

38. Furthermore, special trainings were organised for Police officers, by the Police and the Council of Europe Secretariat in October 2012. The purpose of the trainings was to enhance the theoretical and practical knowledge of Police officers in the respective fields of human rights. During the seminar both local and international experts, among the others, presented the peculiarities of the right to freedom of assembly and active discussion followed.[18]

39. In 2013, in the framework of the OSCE project, the international Centre for Excellence and Negotiation Yerevan (hereinafter, CEN-Yerevan) provided specialised negotiation trainings to Police officers most often involved in interactions with society. A two-day master class workshop for the Police officers involved in maintaining the public order during rallies and protests has been organized. These trainings engaged participants in an analysis of crowd psychology and profiling, negotiating with leaders and opinion makers for the crowd, and review of actual case studies, including local ones.[19]

40. In 2013, the Council of Europe handbook on *The European Convention on Human Rights and Policing* has been translated into Armenian to ensure its wide dissemination and to improve the existing practice.[20] This handbook is specifically for Police officers and other law enforcement officials. It is aimed at enhancing the professionalism of Police in view of disseminating the Council of Europe standards on policing. It, *inter alia*, covers the

[16] http://www.osce.org/hy/yerevan/85136?download=true.

[17] http://www.police.am/images/Uxecuyc-N2-eng.pdf.pdf.

[18] http://www.police.am/international-co-operation/history-of-cooperation/2012-%D5%A9%D5%BE%D5%A1%D5%AF%D5%A1%D5%B6.html.

[19] https://cenyerevan.wordpress.com/2013/04/11/police-trainings-on-crowd-management-negotiation/.

[20] Funded by the European Union and the Council of Europe.

specific aspects of Articles 6 and 11 in the light of the Court's extensive case-law and the Convention. Therefore, it is a useful tool for the Police and public authorities in order to prevent and fight Police misconduct or impunity and uphold the human rights.

41. About 140 community Police officers from territorial divisions of Yerevan city Police Department completed training courses on communication and negotiation techniques held by the Police and the OSCE Office in Yerevan in June 2014. The courses focused on theoretical and practical aspects of negotiation, communication techniques, building relationship and trust. The CEN-Yerevan trainers consulted with Police officers on their daily activities explored the problems they faced and solutions they found, as well as discussed the skills the Police officers acquired. The OSCE Office also supported the development and publication of a brochure *Communication and Negotiation* with the material used during the training course that was distributed among Police officers taking part in the course, to ensure wider dissemination of knowledge and information.[21]

42. From 4 to 5 October 2017 a seminar was held in the scope of the cooperation between the Police and the Council of Europe Secretariat which focused on the Police officers' actions during assemblies and in the course of countering mass disorders, on the use of force by the Police officers for control, negotiation and maintaining of the rule of law, as well as on carrying out the Police mission, particularly, as human rights defence observers. The seminar was aimed at discussing the democratic approaches of crowd control — with a particular focus on the issue of organizing Police operations in line with the human rights standards guaranteed by the European Convention on Human Rights, the effective methodology for the use of force and maintaining public order, as well as the flexible tactics and negotiation strategies applied for prevention of mass disorders.[22]

43. From 13 to 17 November 2017 training was organised in the framework of the Armenian-French Police cooperation project for 2017 which focused on the democratic crowd control.[23]

44. In addition to the mentioned particular importance is articulated to systematic in-service trainings which are gradually revised and developed to ensure that the training sessions on the particular topics are based on the real needs of the target groups, with an ultimate objective to contribute to better application of the relevant standards in practice and to effective prevention of potential violations. In this context, systematic trainings are organised at the Police Academy for Police officers of different rank. In particular, the *Law on Freedom of Assemblies, Guidelines for the Activities of Officers of the Police Units Involved in Public Order Management and for the Use of Physical Force, Special Means and Firearms by the Officers during Mass Disorders*, as well as those on *Conducting Negotiations during Public Order and Security Management* prepared by the Police by the support of the OSCE Yerevan Office are taught in the framework of these trainings. In order for the trainings to be more effective, the theoretical knowledge acquired is applied through practical exercises.

45. In 2017, trainings regarding the subject matters of the Law on Freedom of Assemblies and International Best Practice of the Field; Law on Freedom of Assemblies; Crimes against the State Service (with a particular focus on the corpus delicti of the crimes of torture and of exceeding official authorities), as well as Out-Group Behaviour of the Subjects of the Masses of People have been organised at the Police Academy.[24]

46. Bearing in mind the events of the recent years and acknowledging the necessity of continuing reforms in the field, the Armenian authorities are wilful to take constant steps to ensure gradual development of the field by implementing the relevant recommendations and bringing it in line with the international standards.

---

[21] http://www.osce.org/yerevan/120534.

[22] Overall 25 police officers took part in the seminar.

[23] Overall 16 police officers took part in the training.

[24] The relevant materials have been taught whithin the Bachelors, Masters and Distance Learning Programmes of the Faculty of Law, as well as in the College and the Faculty of Tranings and Qualification of the Police Academy. The beneficiares were different year students and Police officers from junior to senior-rank.

C. Deaths in custody, including suicides

The State party should take robust measures to prevent suicides and deaths in custody, inter alia, by:

(a) Establishing effective early prevention strategies and programmes and improving the identification of persons at risk of committing suicide;

(b) Providing timely and quality medical care to inmates, including psychological assistance, with a view to reducing drastically the number of deaths in custody owing to health issues and the number of suicides;

(c) Ensuring prompt, thorough, effective and impartial investigations by an independent body into all cases of death in custody, including suicides, the prosecution of persons suspected of having committed such acts and, if found guilty, their punishment in accordance with the gravity of their acts; and allowing independent forensic examinations of all cases of death in custody, permitting the family members of the victims to commission independent autopsies, ensuring that their results are accepted by courts as evidence in criminal and civil cases and providing redress to the families of victims.

The Committee also encourages the State party to launch a thematic investigation into the pattern of suspicious suicides in custody, with a view to establishing the possible complicity of police and/or prison staff and to bringing the perpetrators to justice.[25]

Policy on Reforming the Prison System

47. Before presenting the concrete measures in respect of the recommendations made and concerns raised by the CAT, the Armenian Government emphasise that the penitentiary reforms are continuing priority for Armenia in its democratic reforms. The Armenian authorities acknowledge the necessity of large scale and long-term reforms to bring the field in compliance with the internationally accepted standards. For these reasons, the important policy and strategic papers elaborated by or in cooperation with the Armenian authorities in the course of recent years more frequently touch upon this issue. In particular:

- *The Council of Europe Action Plan for Armenia 2015–2018* — a document prepared in close cooperation with the Armenian authorities that takes into account Armenia's continuing and newly emerged priorities in its democratic reforms and focuses on key areas of importance for cooperation — gives particular value to the penitentiary system reform.[26]
- *The 2012–2017 Strategic Programme of Legal and Judicial Reforms in the Republic of Armenia and the List of Measures Deriving from the Programme*[27] provided for the objective to increase the effectiveness of criminal justice and the system of criminal punishments.
- Both the previous and the new NHRAP have stipulated specific strategic actions regarding the penitentiary system.
- Both *Government Decrees No. 131-N (No. 131-Ն) of 14 January 2016*[28] *and No. 122-N (No. 122-Ն) of 12 January 2017*,[29] as well as the *Programme of the Government of Armenia for 2017–2022*[30] identified the penitentiary reforms among the priorities.

[25] Reference document: CAT/C/ARM/CO/4, § 34.
[26] Reference document: https://rm.coe.int/1680471d82.
[27] Approved by the Republic of Armenia President Decree No. NK-96-A (ՆԿ-96-Ա) of 30 June 2012.
[28] Government Decree No. 131-N (No. 131-Ն) of 14 January 2016 on Approving the Action Plan and Priorities for 2016 of the Government of the Republic of Armenia.
[29] Government Decree No. 122-N (No. 122-Ն) of 12 January 2017 on Approving the Action Plan and Priorities for 2017 of the Government of the Republic of Armenia.
[30] Approved by Government Decree No. 646-A (N 646 - Ա) of 19 June 2017.

- *The Programme on Penitentiary System Reforms 2016–2018*[31] includes an extensive list of measures to be implemented in targeted areas of the penitentiary system.

48. With due regard to the progress made and the results achieved, *inter alia*, through the implementation of the listed policy papers, those may not be considered as sufficient and inclusive since reforming the field under consideration is a long-term process requiring continuing effort. That is why the Ministry of Justice developed a draft Government Decree on *Approving 2018–2038 Strategic Programme for Improvement of Penitentiary System* and *the Action Plan Deriving thereof*. This strategic paper has been prepared taking into consideration the results already achieved and reflects the vision of the authorities regarding the penitentiary system reform for 20 years in order to bring the field in compliance with the international standards and obligations undertaken by Armenia. The paper is published on www.e-draft.am, giving a possibility to the public to give feed-back on the draft legal act, thus ensuring their participation to the drafting process.

Early prevention strategies and programmes

49. The issue of prevention of the suicides at penitentiary institutions is under permanent attention of the Penitentiary Service of the Ministry of Justice. In particular, strategies to prevent self-harm and suicide are periodically discussed during the working meetings on summing up semi-annual and annual activities, as well as in the course of operative discussions as a result of which specific instructions are given to the heads of the penitentiary institutions.

50. For example, further to the working meeting taken place on 08 January 2016 the following instructions were given:

- To be more attentive towards problematic detainees and convicts;
- To organise different cultural events to make their living more meaningful;
- To strengthen the family ties of the persons deprived of liberty.

51. On 01 August 2016 the Head of Penitentiary Service instructed the heads of the penitentiary institutions:

- To visit and interact with detainees and convicts more frequently, as well as to discuss and ensure proper follow-up to the issues raised by them;

52. To increase the social and psychological activities carried out for the persons deprived of liberty involving the staff of other units of penitentiary institutions as well;

53. To discuss every case of self-harm, to conduct systematic analysis in cooperation with the staff of the penitentiary institutions for the purposes of figuring out the reasons standing behind the incidences of self-harm and to undertake practical preventive measures.

54. *Support — Psychiatric care and Psychological Assistance*: It should be noted that an individual Programme of Correctional Rehabilitation is drawn up for each convict following the study of the social and psychological specifics, the diagnosis and the needs assessment. It is drawn up in the course of one to three months after placing convicts within the penitentiary institution. The programme specifies the actions and/or measures planned to be carried out for convicts in the course of serving the punishment.

55. The issue of improving and developing psychological assistance provided at the penitentiary institutions is always at the spotlight of the administration of the Penitentiary Service, as a result of which the psychological assistance staff of the penitentiary institutions was increased by four additional positions between 2015 and 2016 alone.

56. Furthermore, in 2015, a Memorandum of Co-operation was signed between the Penitentiary Service and "AYG" Centre for Psychological Services. In the framework of the Memorandum, the psychologists of the organisations paid visits to Nubarashen and

[31] Approved by Order No. 653-A (No. 653-Ա) of the Minister of Justice of the Republic of Armenia on 30 December 2015.

Armavir Penitentiary Establishments for providing psychological services to convicts and detainees. This process is ongoing.

57. A psychiatric ward operates at the Central Prison Hospital; there is a position of a psychiatrist at Nubarashen Penitentiary Establishment, at Artik Penitentiary Establishment the psychiatrists work on contractual basis. Psychiatric care in other penitentiary institutions is organised through regular visits of psychiatrists of the penitentiary system and through the invited specialists from psychiatric institutions of the Ministry of Health.

58. Besides the mentioned, the Division for the Social, Psychological and Legal Activities of the Penitentiary Service carried out the following activities:

- Legal counselling for 3903 persons;
- Social counselling for 2526 persons;
- Psychological counselling for 3367;
- 103 persons have been registered in at-risk group;
- 208 persons have been excluded from at-risk group.

59. As a result of activities carried out by the said Division 147 incidences of self-harm have been prevented.

60. Starting from the second half of 2015, the Penitentiary Service has been actively collaborating with the Chamber of Advocates of the Republic of Armenia and the Helsinki Committee of Armenia, within the framework of which the advocates and lawyers of the above-mentioned organisations have, on a voluntary basis, paid visits to Armavir, Abovyan, Kosh, Sevan, Goris, Nubarashen and Vardashen Penitentiary Establishments, providing *pro bono* legal consulting.

61. *Prison Environment* — Material *Conditions and Purposeful Activities*: The Penitentiary Service of Armenia undertakes continuous measures aimed at improving the living conditions of the prison population.

62. From March 2015, various sanitation and hygiene and anti-epidemiological measures have been regularly undertaken in all the penitentiary establishments.[32]

63. The energy efficiency project implemented within the scope of the contracts signed between the Penitentiary Service and the Armenia Renewable Resources and Energy Efficiency Fund has been completed. As a result, the issues related to ensuring lighting, room heating, water isolation of roofs, as well as proper sanitary and hygienic conditions in residential areas of remand prisoners and convicts have been solved in all penitentiary establishments.

64. Numerous and various construction works have been carried out in the residential areas, visiting facilities for short-term and long-term visits, medical units and cafeterias, as well as in the sanitary annexes, within the external secure perimeter and in other important sections of all the penitentiary establishments.[33]

---

[32] Within the scope of the renewed contract (yearly), disinsection measures, namely disinfection, parasite extermination and deratization measures have been carried out in all the penitentiary establishments. The mentioned measures are of a regular nature (from 3 to 4 times a month in every penitentiary establishment). At the same time, the Ministry of Justice considers the issue of vesting the sanitary-hygienic control to the Ministry of Health or to include on-site supervision activities in the duties of medical personnel in order to improve the state of sanitary and hygienic control. In conjunction with the definition of sanitary rules and hygienic norms, it is envisaged either to apply all the norms of the public health system or to develop a separate sanitary rules and hygienic norms for penitentiary institutions taking into account the peculiarities of the penitentiary system.

[33] (a) The kitchen has been fully repaired, sanitary annexes, the external sewerage network have been partially repaired at Nubarashen Penitentiary Establishment;

(b) The communal kitchen and patient's room of the therapeutic ward of the residential zone, operating theatre of the surgical ward, a number of patient's rooms of the tuberculosis ward have been repaired at the Central Prison Hospital;

65. It is to be noted that multi-faceted measures are being undertaken to ensure that both sentenced and remand prisoners are provided with programmes of activities. Cultural events such as film screenings, concerts, theatrical performances, sporting events and other events are being periodically organized for detainees and convicts. For the purpose of meeting the spiritual needs of detainees and convicts, the Armenian Apostolic Church pays regular visits, performs baptism services, offers Masses, as well as holds celebrations on holidays.

66. In 2017 overall **254 different** events have been organised at different penitentiary institutions in which **3053** persons deprived of liberty took part. The following ones must be underlined:

- From 06 to 07 February 2017 a chess tournament was organized at Armavir Penitentiary Establishment by Chess Federation of RA and Penitentiary Service;
- On 07 April 2017 the convicts and the staff of Armavir Penitentiary Establishment organized tree planting and landscaping;
- On 08 March 2017 a concert was organized at Abovyan Penitentiary Establishment on the occasion of the International Women's Day;
- On 10 March 2017 a film screening was organized at Abovyan Penitentiary Establishment on the occasion of the International Women's Day;
- 10 female convicts participated in computer courses during 2016–2017 academic year of the vocational school No. 2 of Abovyan functioning at Abovyan Penitentiary Establishment. 9 of them received diplomas;
- Jointly with *Civil Society Institute* NGO hairdressing courses have been organized at Abovyan Penitentiary Establishment. The 11 convicts completing the course received diplomas on 10 May 2017;
- On 24 May 2017 a festive event on the occasion of the May Celebrations was organized at Kosh Penitentiary Establishment;
- On 26 May 2017 Woman FIDE Master Arianne Caoili took part in simultaneous chess display with 20 convicts of different nationalities (Polish, Romanian, Persian, etc.);

67. On 01 June 2017 on the occasion of International Children's Day a festive event was organized at Abovyan Penitentiary Establishment by the Division for the Social, Psychological and Legal Activities of the Penitentiary Service and the Centre for Legal Education and Implementation of Rehabilitation Programmes[34];

(c) The external water supply network of Hrazdan Penitentiary Establishment has been fully repaired;

(d) The batteries of the two heating boilers have been fully refurbished at Vanadzor Penitentiary Establishment. Maintenance repair works have been carried out in the accommodations of the residential zone. Renovation works have been carried out in the facilities for long-term visits. The roof of the cafeteria unit has been repaired;

(e) Tiling works have been carried out in the kitchen at Kosh Penitentiary Establishment. No. 1 dormitory of the residential zone has been renovated;

(f) Repair works have been carried out in the accommodation area for convicts held under open regime, in the quarantine unit, reception room for convicts at Artik Penitentiary Establishment. Partial repair works are underway in the cafeteria unit;

(g) Repair works are being carried out in the unit for long-term visits and processing of deliveries, as well as the kitchen at Sevan Penitentiary Establishment;

(h) Renovation works have been carried out in dormitories of Vardashen Penitentiary Establishment, the sanitary annexes have been repaired;

(i) Renovation works have been carried out at Yerevan-Kentron Penitentiary Establishment, as a result of which wooden covers on the floors of all the cells have been removed, water supply and sewerage systems have been repaired, the kitchen and visiting facilities have been fully repaired.

[34] Former Law Institute of the Ministry of Justice.

68. Support to Prisoners Foundation of the Ministry of Justice in cooperation with the Division for the Social, Psychological and Legal Activities of Armavir Penitentiary Establishment organized courses on Ceramics, Ceramics Scratching and Painting, on Contemporary Applied Arts, on Woodwork and Woodcraft, on Computer Skills, and on Elementary knowledge of the Russian Language. 27 convicts took part to them.

69. In 2017 the possibility to work was given to **415** convict. In 2017 **178** convicts have been engaged in **recreational unions**.

70. As a result of the collaboration with Special Creative Centre for Junior Offenders SNCO, Support to Prisoners Foundation and the Ministry of Education and Science of the Republic of Armenia, the right to education — general education, vocational, *i.e.* technical education, as well as higher and post-graduate education — of 107 convicts has been realised in 2017.

71. A **sewing** and **a shoe manufacturing shops** have been established at Armavir Penitentiary Establishment. Furthermore, the penitentiary establishments have been supplemented with 900 pieces of books.

72. In 2012, the State Employment Agency of the Ministry of Labour and Social Affairs of the Republic of Armenia, the Penitentiary Department of the Ministry of Justice of the Republic of Armenia and Social Justice NGO signed a *Memorandum on Co-operation and Mutual Assistance* for the term of 5 years, attaching importance to the issues of crime prevention and, in that context, the reintegration of persons returning to the society from places of imprisonment.

73. *Contact with the Outside World*. Bearing in mind that the contact with the outside world is an important element for ensuring the rehabilitation and further reintegration of the persons deprived of liberty to the society, steps are being undertaken to improve the mechanisms thereof. In this regard, the new NHRAP envisages specific measures. In particular, it provides for specific points on conducting a research on the opportunity to consider the potential use of alternative means of communication (video calls) by convicts and detainees to contact both with the outside world, in general, and with their family members and relatives, in particular. In line with the NHRAP, on 14 December 2017 the Government of Armenia approved Decree No. 1599-N according to which those foreign detainees and convicts whose next of kin cannot visit them, as well as those whose nest of kin cannot benefit from the short-term visits shall be given an opportunity of a video-call twice a month for 20 minutes.

74. *Staff Trainings*. Training courses on health care, human rights and medical ethics have been organised for the staff of penitentiary institutions in line with the European standards. Approximately **800** employees of the Penitentiary Service have participated to the said trainings.[35] Main modules for these trainings are as follows:

- Healthcare, health promotion and prevention principles in penitentiary establishments;
- Physical health, prevention activities regarding standards on hygiene, food, sanitary, residence and environment;
- Mental health promotion;
- Suicide prevention and control of self-harm behaviour;
- Psychotropic/psychoactive substances and addiction to them;
- Mental health awareness;
- Transmissible diseases: tuberculosis, HIV /hepatitis C/, hepatitis B;
- Mental disorders.

[35] Trainings have been organised in the framework of the project Penitentiary reform — Strengthening Healthcare and Human Rights Protection in Prisons in Armenia (2015–2017).

75. Furthermore, in 2016 **540** Penitentiary Service employees participated in the following courses taught at the Centre for Legal Education and Implementation of Rehabilitation Programmes:

- European Prison Rules;
- Standard Minimum Rules for Treatment of Prisoners; Discussion of relevant Case-law of the European Court;
- Prevention of Torture and Inhuman or Degrading Treatment or Punishment; Discussion of relevant Case-law of the European Court.

76. In 2017 203 Penitentiary Service employees participated in the following courses taught at the Centre for Legal Education and Implementation of Rehabilitation Programmes:

- Fundamental Human Rights and Freedoms; Discussion of relevant Case-law of the European Court;
- Standard Minimum Rules for Treatment of Prisoners; Discussion of relevant Case-law of the European Court;
- Prevention of Torture and Inhuman or Degrading Treatment or Punishment; Discussion of relevant Case-law of the European Court.

77. At present, 6 doctors of the Penitentiary Service undergo trainings at the Yerevan State Medical University.

78. The Armenian authorities acknowledge that proper professional trainings are considered as one of the key elements for reaching tangible results in the field. Therefore, new NHRAP provides for the necessity to periodically organise trainings for the prevention of torture and inhuman or degrading treatment or punishment.

Measures Taken to Improve Healthcare Services in Prisons

79. In line with the policy and strategic papers mentioned hereinabove, the *Concept Paper of Modernisation of Medical Services in Penitentiary Institutions* (Concept Paper) was approved by the Government on 19 January 2017. It is to be mentioned that this paper has been drafted in the framework of the project *Penitentiary reform — Strengthening Healthcare and Human Rights Protection in Prisons in Armenia* (2015–2017). Taking into due consideration the existing and emerging issues of the field, the findings of the ECHR, the recommendations of the relevant international and regional bodies, as well as those of the public monitoring group of the penitentiary establishments, this document provides for conceptual approaches in the following directions:

- The analysis of legislative regulations and institutional aspects of healthcare services of penitentiary establishments, considering also the international obligations undertaken by the Republic of Armenia;
- The examination of the international practice and standards approved by the international documents regarding the healthcare services of penitentiary establishments;
- The elaboration of possible solutions based on the international standards which will address the issue of modernising the healthcare services provided at penitentiary establishments.

80. Besides the mentioned, in order to clarify the list and the criteria of severe diseases that impede the sentence, as well as to comply with the 10th revision of International Classification of Diseases (ICD-10) requirements, the Government Decree No. 825-N of 26 May 2006 was amended on 6 July 2017. More of that, a number of drafts and, in particular, the draft Order of the Minister of Justice on *Submitting and Approving the Forms of Administrative Statistical Reports regarding the Field of Healthcare of Penitentiary Institutions of the Ministry of Justice of the Republic of Armenia* targeted at improvement of the prison healthcare services have been elaborated as well (listed also under subsequent headings).

81. In 2017 the Human Rights Defender published an *Ad-hoc Report on Ensuring the Right to Healthcare for Persons Deprived of their Liberty in Penitentiary Institutions*. According to the report, in the course of the years some positive dynamics is noticeable regarding the provision of healthcare services to the persons deprived of liberty, however, at the same time it is acknowledged that improvement of prison healthcare services requires systematic approaches. Therefore, in line with the policy of the Armenian authorities already indicated hereinabove, the issues raised by the Defender in the report will be taken into due consideration while implementing the reforms envisaged in the Concept Paper. Pending that, the following is worth mentioning.

82. Acknowledging that respect for fundamental rights of inmates entails the provision to them of healthcare equivalent to that provided to the population at large, the Government have been undertaking legislative, organisational and practical measures for reorganising and regulating prison healthcare system in Armenia. Bearing in mind that the major deficiency of the current system is first of all linked to the institutional dependency of the prison medical personnel from the penitentiary system, the following steps are being taken.

83. *Medical Staff*: Draft *Law on Making Amendments and Supplements to the Republic of Armenia Law on Penitentiary Service* has been developed. The ultimate objective of the draft is to lift the age restrictions for admitting to and dismissing from the Penitentiary Service. The draft provides for admitting medical professionals to Service before they attain the age of 45 and setting an upper age limit of 65 for their dismissal from service. For comparison, according to the Law on Penitentiary Service, the maximum lowest age limit for admitting to Service is 30 years old, which hinders the process of staffing the medical service units of the penitentiary establishments with experienced personnel.

84. The mentioned legislative amendment will make it possible to staff medical service units of Penitentiary Service with qualified specialists who are experienced in the field of medical science, as well as to improve the quality of medical service offered to remand prisoners and convicts.

85. Due to the need to prevent the outflow of high-quality specialists of the medical service units, as well as to hire experienced doctors above the age of 30, special civil service positions have been introduced within the Penitentiary Service by means of reorganising the existing penitentiary service positions. As a result, the penitentiary officers having attained the maximum age limit for the service, but having vast experience in the field of medical science are provided with the opportunity to remain in the system, at the same time becoming entitled to a long-term service pension by retaining their salary.

86. As a result of this reform, penitentiary officers (doctors) — who attained the maximum age limit — being appointed to civil service positions will fully retain their military salary. Moreover, they are also provided with the opportunity to become entitled to a long-term service military pension, which is almost twice higher than the salary of a civil servant who has just been admitted to the service.

87. Besides this draft, ensuring institutional independence of healthcare staff, reinforcing the trust and confidence towards them, engaging quality personnel, guaranteeing the required specialisation and qualification of medical personnel, creating effective opportunities for integrating the prison healthcare system to that provided to the community are key pillars of the Concept Paper. Based on these pillars, the Ministry of Justice developed a legislative package to ensure the independence of prison healthcare staff. More specifically, draft Government Decree on *Establishing a Centre for Penitentiary Medicine* was elaborated, which is aimed at bringing the medical services of correctional institutions under direct subordination of the Ministry of Justice. The advantages of establishing this centre are:

- Professional and financial independence;
- Effective opportunities for integrating the prison healthcare system to that provided to the civilian population;
- Engagement of qualified personnel;

- Possibility of getting involved in entrepreneurial activities, which could serve as additional financial source.

88. At the same time, it is envisaged to license the units, which provide healthcare services, in accordance with the minimum mandatory requirements and conditions for the provision of medical care and service developed for the penitentiary sector. As a result of this reform, the penitentiary institutions will be subject to mandatory licensing in order to carry out health care and service related activities.

89. *Access to Specialised Care and Hospitalisation*: It is to be noted that the medical services provided in the penitentiary system are free of charge. Within the scope of the free medical assistance guaranteed by the State, examinations and medical treatments are also carried out at all healthcare institutions of the Republic of Armenia.

90. For the purposes of medical consultations and examinations, visits are periodically conducted to penitentiary institutions by the Medical Working Committee, a supervisory body established by the Penitentiary Medical Service Department and the Ministry of Justice. According to the timetable of the visits and meetings for 2017 approved by the Order of the Head of the Penitentiary Department, the Medical Working Committee shall hold meetings every week and visit every penitentiary establishment at least twice a year, as well as without delay, in case of necessity.

91. Furthermore, remand prisoners and convicts on a paid basis benefit from the services of, as well as examinations and treatment carried out by the medical specialists chosen by them and working outside of the penitentiary system. The examinations with chosen doctors are easily organized upon the approval of the head of penitentiary institution. Medical services are provided promptly to the remand prisoners and convicts who are in need of emergency medical assistance, while others — according to plan.

92. With due regard to the international standards regarding the accessibility of dental services provided to persons deprived of liberty, the Concept Paper puts particular emphasis to their improvement. At present, nearly all the penitentiary establishments are provided with dental X-ray apparatus.

93. In collaboration with the subdivisions of the Ministry of Health, as well as non-governmental and charity organisations (including *Doctors without Borders*), measures aimed at combating tuberculosis, methadone substitute treatment and prevention of HIV/AIDS are constantly being carried out, as a result of which the process of revealing patients with tuberculosis, HIV/AIDS, as well as combating drug addiction has improved.[36]

94. *Medical Equipment*: In the framework of the project *Penitentiary reform — Strengthening Healthcare and Human Rights Protection in Prisons in Armenia (2015–2017)* it was envisaged to acquire necessary modern accessories and equipment for medical units of 11 penitentiary institutions. For these purposes visits to penitentiary institutions were carried out by the experts to review the current state of medical equipment. As a result, evaluation of accessories and equipment was conducted, based on which the list of the types and number of the necessary accessories and equipment was developed and submitted. Consequently, 11 penitentiary establishments have been provided with necessary medical equipment for ensuring primary medical assistance.

95. *Medication*: As to the medication, the officers responsible for medical services within the Penitentiary Department of the Ministry of Justice carry out surveys and analyses aimed at changing the quantitative composition and the list of medicines to be purchased, according to the needs and demands. Taking into consideration the statistical analysis of the previous year, the Penitentiary Department submitted a budgetary claim of AMD 150 million for the next year, compared to about AMD 43 million allocated for the passing year. As a result, it has been decided to allocate AMD109.827.000.

96. Despite the measures already taken and being taken, in the long term perspective, based on the existing situation, internationally accepted standards and findings of both domestic and international monitoring bodies the Concept Paper proposes to improve the

[36] Reference document: CPT/Inf (2016) 31, §§ 84–86.

regulatory framework regarding the acquisition, the list, quantity and quality, supplying and preserving of the medication, as well as the requirements regarding the medical equipment. In this context, draft Order of the Minister of Justice on *Approving the Procedure of Forming State Order for Medicines and Medical Supplies Purchased for Penitentiary Institutions of the Ministry of Justice of the Republic of Armenia*, as well as draft Decree of the Government on *Approving Requirements and Conditions for Technical and Professional Qualifications Required for Medical Care and Services of Common Practice Physician and Separate Specialized Cabinets of Penitentiary Institutions* have been already elaborated.

97. *Proper Medical Documentation*. The issue of proper medical documentation has always been in the focus of attention of the Armenian authorities. In this regard, clear practical regulations on proper organisation of initial medical examinations of persons admitted to and transferred from a detention facility, as well as on the recording of complete information have been prescribed by Instruction of the Head of the Penitentiary Service of 8 June 2015.[37]

98. Furthermore, in line with the new NHRAP, and with the ultimate objective to keep medical documentation in accordance with international approaches the draft Order of the Minister of Justice *on Approving the Guidelines on Filing In the Protocols of the Ambulatory Medical Card, Disease Historiography, Extract from the Disease Historiography, Medical Examination Form concerning Torture and Ill-treatment of a Detained or Convicted Person, and on Filling in the Ambulatory Medical Card and Disease Historiography of Detained or Convicted Person* was developed.

99. Besides creating appropriate legislative basis for keeping medical documentation, activities for developing and designing an information system for electronic management of the penitentiary system launched about 2 years ago at the initiative of the Penitentiary Service are complete. In particular, *Information Register of Remand Prisoners and Convicts of the Penitentiary Service of the Ministry of Justice of the Republic of Armenia* (e-penitentiary) was designed and developed.

100. The system fully includes information about all the functions performed under the legislation with respect to remand prisoners and convicts, the necessary documents, information on conditional early release from punishment, changing the regimes for serving the punishment, visits, education, work, as well as other important data.

101. What especially stands out are the medical histories of persons held in confinement, where the information inputted and the sequence of required actions is adapted to the templates of the Istanbul Protocol which is an internationally recognised guideline in the field of prison medicine.

102. Another advantage of the automated complex is the possibility to receive reports in any format, carry out analytical activities, as well as automatically perform the duties of administrations of penitentiary institutions provided for by legislation, excluding the human factor.

103. The register will also be endowed with such technical capabilities that will help create a link between it and other information registers functioning within the law-enforcement systems of the Republic of Armenia, for the purpose of exercising proper and targeted control in the field of human rights protection with observance of internationally recognised standards (in the fields of observing the time limits, excluding omissions, etc.).

104. At present the system undergoes technical testing.

105. In addition to the information presented hereinabove, the summarizing of judicial practice shows that during recent years, 5 out of overall 7 submitted motions to release the persons from pre-trial detention given their medical condition have been granted by the first instance courts. At the same time the first instance courts received and examined overall 78

[37] Instruction No. Ե40/7.1-2459 (N Ե40/7.1-2459) of 8 June 2015 of the Head of the Penitentiary Service.

motions for releasing, on the grounds of a serious disease, convicts serving their punishment in the form of imprisonment. Out of those 78 motions 55 were granted.

106. Furthermore, the statistical data of 2016–2017 regarding the deaths in penitentiary establishments, including suicides shows that there is a clear **drop down** in the numbers. In particular, **29 deaths** (including **7 suicides**) have been registered in 2016. Whereas, the number of deaths registered in 2017 amounted to **13** (including **2 suicides**).

Investigation into cases of deaths in custody and other general measures taken by the Investigative Committee of Armenia

107. *Investigation*: At the outset it has to be noted that in February 2017 an information note summarizing the concerns and recommendations reflected in the concluding observations of the CAT on the fourth periodic report of Armenia was prepared by the Investigative Committee of Armenia. Accordingly, to prevent similar violations in the future, on 14 February 2017 the President of the Committee adopted Order No. 18-L on Discussing the violations reflected in the concluding observations of Committee on the Elimination of Discrimination against Women and the CAT during operative meetings. The heads of the structural subdivisions and bodies of the Committee have been instructed to discuss the mentioned concluding observations and the information note prepared based on them for the purposes of excluding and preventing similar violations in the course of the preliminary investigation.

108. Taking into consideration the concerns noted by the CAT in paragraph 33 and recommendations made in paragraph 34 (c) of the concluding observations, the concrete subdivisions of the Committee continue prompt, thorough, effective and impartial investigation into cases of deaths in custody, including suicides.

109. Actions are being taken to solve the crime in the 5 cases investigated into in 2016 and suspended on the grounds of non-identification of the accused. In particular, in the course of 2017 expert examinations have been ordered, witness interrogations and inspections have been carried out in separate criminal cases. However, these measures have not led to the identification of the accused.

110. In the course of the 11 months of 2017 2 criminal cases have been initiated and investigated into the suicides in custody by concrete subdivisions of the Committee.

111. In particular, on 14 April 2017 criminal case No. 49101517 was initiated under Article 110 § 1[38] of the Criminal Code on account of the suicide committed by a detainee at Hrazdan Penitentiary Establishment. On the same day, after having received the crime report, the crime scene was examined by the Committee investigator together with the forensic doctor. The detainee was given a victim status, his mother was recognized as a victim successor, forensic medical expert examination of the corpse has been ordered.

112. In the course of the investigation instructions have been given, seizure has been carried out, transcripts of telephone conversations have been received, and certain convicts and staff members of the penitentiary establishment have been interrogated. On 30 June 2017 the criminal case was suspended on the ground of non-identification of the accused.

113. On 27 October 2017 criminal case No. 12110917 was instituted under Article 110 § 1 of the Criminal Code on the account of the suicide committed by a convict at Nubarashen Penitentiary Establishment. On the same day, after having received the crime report, the crime scene was inspected by the Committee investigator together with the forensic doctor. The convict was given a victim status, forensic medical expert examination of the corpse has been ordered.

114. To establish the reasons standing behind the suicide committed by convict, as well as the fact of the incitement to suicide, seizure and inspection have been carried out; certain staff members of the penitentiary establishment have been interrogated. Furthermore, in order to verify the fact whether certain staff members of the penitentiary establishment have been involved in incitement to suicide of the convict, as well as to carry out investigation

[38] Article 110 Incitement to suicide.

thereof on 22 November 2017 this criminal case was transferred to the SIS through the Prosecutor's Office for further investigation. The investigation is ongoing.

115. *Other general measures*: In 2017 L. Tevosyan, Investigator of particularly important cases of Investigative Department of Yerevan City, who was a delegation member presenting the fourth periodic report of Armenia, carried out an extensive study on the investigation standards into the cases of deaths in custody, including suicides. In particular, her study was focused on examination of the ICRC Guidelines on Investigating the Deaths in Custody, the United Nations Manual on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions, as well as on the relevant the case-law of the ECHR. As a result, specific and concrete proposals were presented in order to raise the effectiveness of the investigation into the criminal cases of suicides committed in custody.

116. Furthermore, according to the working plan of the Investigative Committee for 2018 it is envisaged to study and summarise the materials prepared and the criminal cases instituted for attempted and committed suicides at detention facilities and penitentiary establishments in 2017.